

ORAL ARGUMENT SCHEDULED FEBRUARY 23, 2023

No. 23-3001 (UNDER SEAL)

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

IN THE MATTER OF THE SEARCH OF THE FORENSIC COPY OF THE
CELL PHONE OF REPRESENTATIVE SCOTT PERRY

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
Case No. 22-sc-2144 (Under Seal)

**MOTION OF APPELLANT FOR LEAVE TO FILE
EX PARTE SUPPLEMENT**

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Counsel for Appellant Scott G. Perry

Appellant, Scott G. Perry (“Rep. Perry”), by and through counsel, hereby moves for leave to file his Appellant’s *Ex Parte* Supplement, stating in support thereof as follows:

1. Counsel for Rep. Perry prepared the *Ex Parte* Supplement to assist this Court in its review of the cell phone communications that are the subject of his Speech or Debate claims in this appeal.

2. The Supplement includes an explanation of the identity of the persons with whom Rep. Perry had the communications, as well as the subjects and context of the matters under discussion.

3. Counsel for Rep. Perry previously submitted to the district court an *Ex Parte* Supplement to his Motion for Nondisclosure on November 28, 2022 (ECF No. 22). That *ex parte* supplement is identical (with the exception of the opening paragraph) to the Supplement he proposes to file with this Court. Counsel for Rep. Perry also provided the district court with PDF copies of the records as to which he asserts Speech or Debate privilege, together with a log listing his privilege claims on a record-by-record basis. Rep. Perry will provide those submissions to this Court upon request.

WHEREFORE, Appellant, Scott G. Perry, requests that this Court grant him leave to file his Appellant’s *Ex Parte* Supplement.

Dated: February 6, 2023

Respectfully submitted,

JProWley Law PLLC

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CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume requirements of Federal Rule of Appellate Procedure 27(d)(2) and contains 209 words. It also complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the typestyle requirements of Federal Rule of Appellate Procedure 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Office Word in 14-point Times New Roman font.

Dated: February 6, 2023

Respectfully submitted,

/s/ John P. Rowley III
John P. Rowley III

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 6, 2023, I electronically filed the foregoing Motion of Appellant for Leave to File *Ex Parte* Supplement with the Clerk for the United States Court of Appeals for the District of Columbia Circuit.

Respectfully submitted,

/s/ John P. Rowley III
John P. Rowley III